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5 Attorney for Defendant  
6 ANTHONY McGEE

7  
8 IN THE UNITED STATES DISTRICT COURT  
9  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 No. CR 12-0052 EMC

12 Plaintiff,

13 v.

14 ANTHONY McGEE,

15 Defendant \_\_\_\_\_ /  
16  
**STIPULATION AND PROPOSED  
ORDER CONTINUING STATUS  
HEARING**

17 This matter was scheduled for an evidentiary hearing on defendant's motion to suppress  
2012  
18 on July 30, 2013. It turns out that one of the three police officers involved in the detention and  
19 arrest of Mr. McGee is unavailable that day. Defense counsel wants all three officers to testify  
20 during the same proceeding. Defense counsel is also leaving the country and unavailable for  
2012  
21 three weeks starting August 1, 2013. The first date all witnesses and counsel are available is  
22 September 10, 2012.

23  
24 IT THEREFORE STIPULATED that the hearing on defendant's motion to suppress  
25 evidence may be continued to September 10, 2012 at 10:00 a.m.

26 The parties further stipulate and move for an exclusion of time under the Speedy Trial  
27 Act, 18 U.S.C. § 3161(b), from the signing of this order until September 10, 2012 because  
28

1 defendant's motion is still pending and has not been ruled upon. Given these circumstances, the  
2 Court hereby continues the evidentiary hearing and excludes the time from the signing of this  
3 order until September 10, 2012 from the time in which this matter must be brought to trial  
4 pursuant to 18 U.S.C. § 3161(h)(1)(d).

5  
6 **SO STIPULATED.**

7 DATED: July 2, 2012

MELINDA HAAG  
8 United States Attorney

9 By: /S/Robert David Rees  
10 ROBERT DAVID REES  
11 Assistant United States Attorney

12 DATED: July 27, 2012

13 By: /S/Erik Babcock  
14 ERIK BABCOCK  
15 Counsel for Defendant

16 **IT IS SO ORDERED.**

17 DATED: July 27, 2012

